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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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10 GABRIEL ESCOBEDO NEGRON, No. C 10-01976 CW (PR)  
11 Petitioner, ORDER TO SHOW CAUSE  
12 v.  
13 J. TIM OCHOA, Acting Warden,  
14 Respondent. \_\_\_\_\_/

15  
16 Petitioner, a state prisoner, has filed this petition for a  
17 writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid  
18 the \$5.00 filing fee. It does not appear from the face of the  
19 petition that it is without merit. Good cause appearing, the Court  
20 hereby issues the following orders:

21 1. The Clerk of the Court shall serve a copy of this Order  
22 and the petition and all attachments thereto upon Respondent and  
23 Respondent's attorney, the Attorney General of the State of  
24 California.<sup>1</sup> The Clerk shall also serve a copy of this Order on  
25 Petitioner at his current address.

26 2. Respondent shall file with this Court and serve upon  
27 Petitioner, within one-hundred twenty (120) days of the issuance of  
28 \_\_\_\_\_

<sup>1</sup> J. Tim Ochoa, the current warden of the prison where Petitioner is incarcerated, has been substituted as Respondent pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

1 this Order, an Answer conforming in all respects to Rule 5 of the  
2 Rules Governing Section 2254 Cases, showing cause why a writ of  
3 habeas corpus should not be issued. Respondent shall file with the  
4 Answer a copy of all portions of the relevant state records that  
5 have been transcribed previously and that are relevant to a  
6 determination of the issues presented by the petition.

7 3. If Petitioner wishes to respond to the Answer, he shall  
8 do so by filing a Traverse with the Court and serving it on  
9 Respondent within sixty (60) days of his receipt of the Answer.  
10 Should Petitioner fail to do so, the petition will be deemed  
11 submitted and ready for decision sixty (60) days after the date  
12 Petitioner is served with Respondent's Answer.

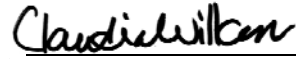
13 4. Respondent may file with this Court and serve upon  
14 Petitioner, within sixty (60) days of the issuance of this Order, a  
15 motion to dismiss on procedural grounds in lieu of an Answer, as  
16 set forth in the Advisory Committee Notes to Rule 4 of the Rules  
17 Governing Section 2254 Cases. If Respondent files such a motion,  
18 Petitioner shall file with the Court and serve on Respondent an  
19 opposition or statement of non-opposition to the motion within  
20 sixty (60) days of receipt of the motion, and Respondent shall file  
21 with the Court and serve on Petitioner a reply within fifteen (15)  
22 days of receipt of any opposition.

23 5. It is Petitioner's responsibility to prosecute this case.  
24 Petitioner must keep the Court and Respondent informed of any  
25 change of address and must comply with the Court's orders in a  
26 timely fashion. Petitioner must also serve on Respondent's counsel  
27 all communications with the Court by mailing a true copy of the  
28 document to Respondent's counsel.

1           6. Extensions of time are not favored, though reasonable  
2 extensions will be granted. Any motion for an extension of time  
3 must be filed no later than ten (10) days prior to the deadline  
4 sought to be extended.

5           IT IS SO ORDERED.

6 Dated: 6/24/2010



CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

GABRIEL ESCOBEDO NEGRON,

Case Number: CV10-01976 CW

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

J.F. SALAZAR et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 24, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Gabriel Escobedo Negron V-00719  
A2-224L  
Chuckawalla Valley State Prison  
P.O. Box 2349  
Blythe, CA 92226

Dated: June 24, 2010

Richard W. Wieking, Clerk  
By: Nikki Riley, Deputy Clerk

United States District Court  
For the Northern District of California